

**MINUTES  
COLUMBUS PLAN COMMISSION  
WEDNESDAY DECEMBER 3, 2003 AT 4:00 P.M.  
COUNCIL CHAMBERS, CITY HALL  
123 WASHINGTON STREET  
COLUMBUS, INDIANA**

**Members Present:** John DeLap, President, Shirley Todd, Patricia Zeigler, Steve Ruble, Dave Fisher, John Hatter, Mike Gillespie, Craig Hawes, Gary Nienaber and Jack Heaton.

**Members Absent:** Dave Bonnell.

**Staff Present:** Roger Hunt, Planning Director, Heather Pope, Sondra Bohn, Thom Weintraut, Laura Thayer, Planning Department; Tom Finke, County Plan Commission liaison, and Alan Whitted, Deputy City Attorney.

**LIAISON REPORTS**

Written reports were received and discussed.

**CONSENT AGENDA**

Minutes of November 5, 2003 meeting.

Motion: Mr. Fisher made a motion to approve the November 5, 2003 minutes. Mr. Nienaber seconded the motion and it carried unanimously.

**OLD BUSINESS REQUIRING COMMISSION ACTION**

**NEW BUSINESS REQUIRING COMMISSION ACTION**

**SP-03-02 23<sup>RD</sup> Street Resubdivision**, a petition by Russell Development on behalf of Bill Russell and Terry Coriden for a sign development plan for property located at 2300 Central Avenue, Columbus, on the northwest corner of Central Avenue and 23<sup>rd</sup> Street, to allow three tenant sign on one pylon without a primary sign advertising the center.

Ms. Pope presented the background information on this request as follows:

This location is where the Skooters restaurant used to be located. Russell Development purchased the property; removed the building and rebuilt a new edifice, which houses three tenant spaces. Two of the tenant spaces are occupied; one by Burds Cleaners; the other by Employment Plus Inc. This parcel, prior to the redevelopment, had a freestanding sign. Russell Development wishes to have a freestanding sign for this parcel measuring 8' x 8', which is permitted by the ordinance. On this sign they would like to advertise all three tenants without naming the center as required by the ordinance.

The petitioner states that the only signs on the site are the individual signs for each lease

space (3) on the building face and one freestanding sign located along the street front. The sign is fairly small (8' x 8') with the bottom of the sign at 7' above grade.

Staff would add that the existing freestanding is an ordinary sign; one pole with a square sign face. The new sign is larger in size than the previous "Skooters" sign.

The petitioner states since there are only three businesses possible in this development it is more important to have individual identification as opposed to being identified with a "development". If it were a large development like "Fair Oaks Mall" it would be proper to identify with it but with a small development it is detrimental.

The petitioner states the individual business signs on the building are simple; back lighted, individual letters as typically seen on commercial façade. The free standing sign is a two sided, plain faced, back light simple sign positioned low for easy observation.

The current wall signs on the two tenant spaces go with the architecture of the building. Because of the location of this building along a primary arterial, tenants can have the maximum wall signage allowed, which is 15% of their tenant wall.

The petitioner states the individual business signs are typically seen on store front, strip development and the freestanding sign is typical for developments with multiple tenants however, this development is restricted to three tenants.

Staff acknowledges the wall signs as proposed are consistent with the ordinance and the comprehensive plan. However, the freestanding sign the petitioners are proposing does not meet the ordinance or the comprehensive plan. The petitioners also have shown what an example of a freestanding standard development sign would look like for this development, which meets the ordinance and has a more organized appearance.

Staff would recommend the wall signs be approved as part of the development plan including a similar style of sign for the unrented tenant space. Staff would recommend approval of the freestanding standard development sign that shows the development name with three tenants, rather than with tenant signs only as requested.

Brian Russell with Russell Development represented the petitioner.

He stated that they wanted relief from naming the center. They just wanted the smaller signs for names of the businesses located there.

Photos were shown of the sign.

Much discussion was held regarding the proposed request.

Mr. DeLap opened the meeting to the public.

Bill Burd spoke in favor of the proposed sign plan.

Mr. DeLap closed the meeting to the public.

Motion: Mr. Hawes made a motion to approve the sign as request. Mr. Heaton seconded the

motion and it carried with a vote of 10-0.

**[REQUESTING CONTINUANCE]**

**SP-03-3 Clifty Crossing Shopping Center**, a petition by Continental Clifty, LLC for a sign development plan for property located at 1149 N National Road, Columbus, on the northwest corner of the intersection of National Road and Taylor Road, to allow three tenant signs on the existing pylon sign that exceed the maximum 75% allowed.

The request for a continuance was granted unanimously by voice vote.

**PP-03-04, WOODLAND PARKS**, By Skaggs Builders, Inc., is a proposal to create 152 residential lots totaling 47.7 acres. The property is located on the west side of US 31, approximately 400 feet north of CR 400 North in German Township.

Mr. Hunt presented the staff background information as follows:

The main ingress/egress will be off of US 31. The cut permit issued to the developer from INDOT will need to be submitted to the planning department. A second ingress/egress will be located off of CR 200 West.

A detailed, onsite and offsite drainage report will be required to show how the site will be drained and the effect that the runoff will have on off-site drainage facilities. There is an existing drainage problem along US 31. This problem will have to be solved before any additional runoff from new homes can be accepted.

There is a north/south gas main easement that runs along the western boundary of Blocks A and B (the north and south ponds). A letter from the gas company must be submitted permitting all of the on-site construction that crosses or is adjacent to that easement.

Sidewalks are provided along all of the interior subdivision streets. However, Woodland Parks Boulevard shows a cross-section that calls for sidewalks along the south side only. A modification from the sidewalk requirement will be required in order to delete sidewalks from one side of the street.

Proposed interior subdivision streets will serve all lots. The cross-sections of those interior streets must conform to city standards or the petitioner must request a modification for relief of those standards. The street circulation pattern was found to be acceptable. However, some of the names of the proposed streets must be reconsidered in order to not duplicate and/or relate too closely to existing streets within the City of Columbus or Bartholomew County. Additionally, staff has requested that Burr Oak Court be extended to the southern property line in order to provide a means to provide street continuity should a subdivision be proposed there in the future.

Offsite road improvements to both CR 200 West and US 31 will be required. There is an existing plan showing accel, decel lanes on US 31 and left turns into the project from the northbound lane. All improvements to US 31 must conform to state standards and requested improvements. Road improvements meeting the county road standards will be required along the eastern half of CR 200 W, along the entire site frontage.

The blocks have been proposed to become future building lots for storage facilities. Zoning

considerations and platted building lots must be in place before a storage building would be allowed. Additionally, a different configuration takes place should they remain unbuildable blocks. A maintenance plan for the blocks and park must also be in place and set forth in the covenants, as well as on the plat.

Although smaller, the lots do conform to existing, minimum densities and minimum lot widths outlined in the Columbus Zoning Ordinance. There are a number of double frontage lots that are adjacent to both CR 200 West and US 31.

Landscaping is required in all city subdivisions. A landscape plan must be submitted to the planning department for review by either staff or the Landscape Review Committee. A landscape buffer must be placed along the CR 200 West frontage of the lots adjacent to CR 200 West, as well as the along the double frontage lots that front onto Woodland Court and US 31. The landscaping within the buffer must meet the "Type A" buffer criteria set forth in the Columbus Zoning Ordinance.

Staff has no objection to this subdivision provided that any and all staff comments are adequately addressed and that both modifications are granted.

Modifications requested are for relief of sidewalks on northern side of Woodland Parks Boulevard and relief of city street cross-section standards.

Mr. Ruble stated he had received a preliminary drainage design for the subdivision. He stated that the system that is proposed has a detention facility on either side of the main road coming in from US 31 located on the east side of the gas line easement that has been referred to. Those detention facilities are designed to flow into a storm water line that is on the north side of the property line. Mr. Ruble said there also should be some off site improvement requirements for this development. He said he would be willing to work with the developers. Mr. Ruble stated that the drainage development designs should be held in a public hearing.

Mr. E.R. Gray with E.R. Gray and Associates and Albert Skaggs represented the petitioner.

Mr. Gray stated that they understood about the areas of concerns. He requested a continuance to the January 2004 meeting to prepare a new drainage study.

Mr. Fisher asked which school the children of the subdivision would be attending.

Mr. Gray stated he did not know.

Mr. Fisher stated this was an important issue if additional classrooms would be needed.

Ms. Zeigler said that the street name of Amur Court would need to be addressed, as that name would not be easy to pronounce.

Mr. DeLap opened the meeting to the public.

Mr. Dennis Tibbetts expressed concerns about the cul-de-sac.

Mr. Myron Truex expressed concerns about drainage in this area.

Mr. Gary Gardner stated that they, the residents of Northgate, had purchased the pipe themselves to install to help with the flooding in their subdivision.

Mr. Curt Mauzy, Richard Clark, Don Strietelmeier, Kenneth Bill and Howard Emus expressed concern regarding flooding if this subdivision is developed.

Mr. DeLap closed the meeting to the public.

Motion: Mr. Ruble made a motion to continue this request to the January 2004 meeting. Mr. Gillespie seconded the motion and it carried with a vote of 10-0.

**PP-03-04, BREAKAWAY TRAILS SECTION THREE**, By Robert Thompson, is a proposal to create 89 residential lots totaling 27.03 acres. The property is located on the northwest corner of the intersection of Middle Road and Parkside Drive in Columbus Township.

Mr. Hunt presented the background information on this request as follows:

Background on this property shows that a preliminary plat for the entire three phases of Breakaway Trails was submitted and approved in June 1993. Since then, Phases II and I have been final platted. Currently, the petitioner is requesting that the third phase be approved as amended. The amendment reconfigures streets and places the park adjacent to Middle Road.

All subdivision streets conform to the standards set forth for Columbus city streets in terms of right-of-way, cross-sections, etc. However, it is suggested that Pawnee Trail and Cherokee Trail utilize one name for the entire stretch of the street. It is also suggested that the name Pawnee Court be two distinct courts, "Pawnee Trail East" and "Pawnee Trail West". In addition, although not complete duplicates, other street names may need to be revisited in order to not increase confusion with other closely named streets. Finally, the cul-de-sac that runs north from Parkside Drive and serves the park and two lots needs to be named.

The lots conform to the standards set forth in the Columbus Zoning Ordinance. However, there are several double frontage lots that will require landscaping within a landscape easement along middle road. A "Type A" Buffer will be required along the Middle Road frontage of these lots. Although no landscaping is required along the Park frontage of Middle Road, transitional landscaping should be considered and evaluated for aesthetics and safety.

The park that will serve this subdivision is scheduled to be constructed with this phase of the plat. The park and two lots will be served by an unnamed cul-de-sac, which will need a name. It will be necessary for the petitioner to provide information such as lighting, landscaping and maintenance for the park. Additionally, pedestrian access will need to be improved. Currently shown is a 10' pedestrian walk to the park. It is recommended to remove at least one lot, if not more, from the front of the park to open it up to the subdivision for the residents to create a welcoming atmosphere and to allow a wider pedestrian walk.

Currently, the park is surrounded by homes on all sides except for the Middle Road frontage. This configuration does not provide a sense of openness to the subdivision and, more importantly, could create a security issue. The same issue arose with the first park proposal in '93. The plan commission at that time stated that they were concerned with security, the

unwelcoming feeling of the park with limited interior access for residents and that many individuals that back up to a park tend to extend their backyards into the boundaries of the park (Fencing and appropriate landscaping may help in this regard).

Staff has no objection to the subdivision provided that all staff comments are adequately addressed.

Mr. Orwic Johnson and Mr. Robert Thompson, developer of the subdivision represented the petitioner.

Mr. Johnson said this request started out with 74 lots, then reduced to 66 and after discussion with staff that number has been reduced to 65. He stated that the residents wanted the park moved to another area. The Park Department does not want the park so it will remain private. Mr. Johnson said more buffering was required to honor the cemetery that is an out parcel on the property. Mr. Johnson said there was an advantage to having a park that has open visibility and had made it larger. He said their goal was to improve the park situation.

Mr. DeLap opened the meeting to the public.

Ms. Mary Ferdon stated she was speaking for approximately 15 residents that lived on Pinewood Drive near the proposed request. She stated they had also spoken with Mr. Johnson and Mr. Thompson. She said they are requesting a continuance on the case. She said they were not opposed to the subdivision. She said they are opposed to the traffic patterns that have been reconfigured by Mr. Johnson and Mr. Thompson. She said they opposed the additional traffic on Pinewood Drive. She said there many issues that would affect these residents. (A complete copy of this letter is in the project file in the Columbus Planning Department.) Ms. Ferdon said they are also opposed to the traffic pattern and that the park was originally on the west side of Phase Two. She said the park was to be turned over to a homeowners association, which does not exist. It consists of just the developer and that is one member. Ms. Ferdon stated no one wants to join this association after the fact. The park now is just a weed patch. Ms. Ferdon said they would be willing to give up the park concept if the traffic pattern could be reconfigured.

Mr. Dennis Tibbets expressed concern about cul-de-sacs.

Several residents expressed concern about traffic pattern, overcrowding of the existing school for the subdivision, and elimination of the park.

Much discussion was held regarding meeting with surrounding property owners, and coming back to the January 2004 meeting with a solution that addresses the issues that have been expressed at this meeting.

Mr. DeLap closed the meeting to the public.

Motion: Ms. Zeigler made a motion to continue this request till the January 2004 meeting so more information can be provided to the commission, and they can meet with the surrounding property owners to address issues that concern them. Mr. Fisher seconded the motion and it carried with a vote of 10-0.

Mike Gillespie left the meeting at this time.

**AO-03-02: CONDITIONAL USE REGULATION OF MODEL HOME LOCATION AND LONGEVITY**-An amendment initiated by the Columbus Plan Commission, to eliminate the 18-month time limitation on model homes in residential developments and to impose a requirement that all model homes be approved by the Board of Zoning Appeals through the Conditional Use permit process.

Mr. Hunt presented the background information on this request as follows:

You will recall that last month, the Commission initiated an amendment to the Zoning Ordinance to change the way the city regulates location and longevity of model homes in residential developments. By way of background, below is the text of last month's staff report:

In August 2003, the city BZA heard a case involving a model home in the Princeton Park single-family subdivision. One of the main issues was that this model home had overstayed its permitted 18 months in that location, and the BZA was asked to allow an extension of that limit. The current zoning ordinance requires that model homes be removed after 18 months in the same location. (It isn't clear in the ordinance whether a different model home could be allowed after 18 months, in either the same phase or a different phase of the development.)

The BZA denied the request, based partly on the lack of a demonstrated hardship. There were also several angry neighbors who complained about this model home's being established after they had bought their own houses on a quiet cul-de-sac, where they didn't anticipate traffic, noise, nighttime lighting, and other disturbing elements.

After the denial, several local builders and the planning staff met to consider whether the one-shot, 18-month limit was the best alternative for dealing with model homes. In the BZA case, the neighbors had expected the home to shut down after the 18-month limit, so clearly a longer period wouldn't have been acceptable to them. On the other hand, if those neighbors had known at the front end that a model home might be next door for (fill in the blank) months, they could have considered how that affects their decision, perhaps accounting for the temporary nuisance factor in negotiating a sale price.

The builder's point of view is that in a slow economy, 18 months is not a realistic limit. Moreover, not all models homes are alike. Some may be okay for five years in a specific spot; others may need to be moved after 12 months. The staff believes this point has some merit.

Another point to consider is that at present, a developer can set up a model home at any time they wish, on any lot in a platted subdivision. This was part of the problem with the Princeton Park home. As noted, if neighbors know about a model home before buying, that can be a factor in their decision.

For these reasons, the staff would like to suggest an alternative way to handle all future model homes in the city jurisdiction: have each model home approved as a conditional use by the BZA before it's established. The BZA can easily adjust the time limit to different circumstances. It's also the best way to alert property owners before the fact, and give them a chance to speak. A draft summary of this avenue is attached for your consideration.

The downside is that it is more hassle for the builders to have to make a trip to BZA every time they want to change a model home. Some make the point that in a time of stiff residential competition, hamstringing builders in this fashion can delay development and drive housing costs upward. The logical end to this argument is that there should be no model home regulations at all, and that is another possible outcome of discussion. In my experience, this is a common approach.

Mr. Hunt said that the research he had done since that last meeting indicated that in communities elsewhere there wasn't a real single solution on how to do this, but if any pattern had emerged it was allowing model homes to be approved with a number of conditions. Mr. Hunt said the conditional use permit would be significant in allowing the model homes to exist for longer than the eighteen months.

He said that staff's recommendation would be to approve the amendment before the commission today.

Mr. DeLap opened the meeting to the public.

Mr. Steve Charlton with Cornerstone Development spoke on behalf of the petitioners. He spoke in favor of approving this amendment.

Mr. DeLap closed the meeting to the public.

Motion: Ms. Zeigler made a motion to approve this request. Mr. Heaton seconded the motion and it carried with a vote of 9-0.

**C/RZ-03-15 CITY OF COLUMBUS BROWN & WATER REZONING:** A request initiated by the Plan Commission to rezone two lots totaling approximately 3 acres from SU-11 (Public Buildings and Uses) and I-2 (Medium Industrial) to B-3 (Central Business District). The lots are located on the northeast bank of the East Fork of the White River, south of the lots are located on the northeast bank of the East Fork of the White River, south of the Second Street Bridge, near the intersection of Brown and Water Street.

Ms. Thayer presented the background information on this request as follows:

The comprehensive plan discourages industrial uses in the downtown area, and encourages conservation of river corridors. The Waterfront Committee has looked at City-owned property in the downtown riverfront area for zoning that is in opposition to these policies. At the recommendation of the committee, the plan commission initiated rezoning for these two lots. The lot that is currently zoned I-2 was for used for industry in the past, but has been vacant for some time. The other lot is zoned SU-11 and was part of the Senior Center lot prior to being isolated from it by construction of the 2<sup>nd</sup> Street Bridge. These lots have strong potential to be included in any riverfront development plans. The B-3 district would appear to be a better fit with the type of riverfront development envisioned by the comprehensive plan and by recent community forums.

Federal regulations and our zoning ordinance both designate 100-year floodplains as restricted development areas. A regulated floodplain consists of two basic areas; (a) the floodway, which is the area closest to the river course and therefore most likely to flood; and (b) the flood fringe, which is farther away and less restricted. Development in the floodway is



severely restricted, while development in the flood fringe is permissible under certain guidelines. Floodway development will require review and approval by the Indiana Department of Natural Resources and the Plan Commission's Technical Review Committee. It appears that most of the SU-11 lot is in the floodway, while about half of the I-2 lot is in the floodway. The remainder of the lots is in the flood fringe.

Permitted uses in the B-3 district are any use permitted in the B-2 district, transportation facilities, printing and publishing, public buildings, parking facilities, sales and display rooms, accessory uses, temporary uses, residential uses, home occupations, group homes, and other uses.

Permitted uses in the I-2 district are any use permitted in the I-1 district, secondary food processing; machine, welding, tool and die shops; manufacture of glass, plastic, rubber products, dye, paint, cloth, jewelry, leather, optical goods, appliance, automobile equipment, biological, cosmetics, containers; truck terminals; radio towers; dwelling as accessory use; and other uses.

SU-11 is the special use district reserved for public buildings and uses.

Staff would recommend rezoning as presented.

Mr. Gillespie stated the Parks Department had no objection to this request.

Mr. DeLap opened the meeting to the public.

There was not one to speak for or against this request.

Mr. DeLap closed the meeting to the public.

Motion: Mr. Ruble made a motion to approve this request. Mr. Fisher seconded the motion and it carried with a vote of 9-0.

**AO-03-03**, a proposal to amend Chapter 17 of the Columbus City Code, the zoning ordinance, with regard to Section 17.02.020 Definitions: Lowest Floor, Section 17.62.060 (b) Improvement Location Permit, Section 17.62.080 (b) Protecting Buildings, and Section 17.62.130 Abrogation and Greater Restrictions. The amendments to section 17.02.020 and Section 17.62.080 (b) will change the required area for openings to equalize hydrostatic pressure in the event of a flood, amendments to Section 17.62.060 will update sections numbers referenced in the ordinance, and amendments to Section 17.62.130 will address the City Council assurance that the National Flood Insurance Program and Indiana regulations regarding floodplain issues be met.

Mr. Weintraut presented the background information on this request.

This is an amendment to update the flood ordinance.

Staff recommendation would be to approve as drafted.

Mr. DeLap opened the meeting to the public.

There was no one to speak for or against this request.

Mr. DeLap closed the meeting to the public.

Motion: Mr. Heaton made a motion to approve this request with staff comments. Mr. Hawes seconded the motion and it carried with a vote of 9-0.

**[WITHDRAWN BY PETITIONER]**

**PUD-03-011; NUGENT SAND CO PUD MODIFICATION**-A petition by Nugent Sand Company to modify the existing PUD zoning requirements to allow expansion of a currently-active sand and gravel dredging operation, on a tract of approximately 360 acres, bounded approximately by Indianapolis Road and Long Road to the west, the Flatrock River to the east, US 31 to the south, and CR 400N to the north, in Columbus Township.

The plan commission approved the petition for this request to be withdrawn.

**DISCUSSION ITEMS**

A nominating committee was appointed to consider election of officers for 2004. The committee members are Steve Ruble, Patricia Zeigler and John Hatter. They will present the recommendations at the January 2004 meeting.

Mr. Hawes submitted his resignation from the Plan Commission effective January 2004.

**REPORTS & RECOMMENDATIONS**

None

**DIRECTOR'S REPORT**

Mr. Hunt had no report at this time.

**ADJOURNMENT: 6:45 P.M.**